

# PATOKA COMMUNITY UNIT SCHOOL DISTRICT NO. 100

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Travis Roundcount, Superintendent

Philip Lark, Principal

December 12, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66  
– **WRITTEN EX PARTE COMMUNICATION**

Dear Ms. Dortch:

On behalf of Patoka Community USD #100, I am writing to urge that, if the Commission reinstates any limit on the maximum term of Educational Broadcast Service ("EBS") leases in response to petitions for reconsideration pending in the above-referenced proceeding, it establish thirty years as the maximum lease term.

Patoka Community USD #100 is the licensee of EBS station WLX912 in Patoka, IL. Since the Commission moved earlier this year from its former EBS leasing rules to those adopted in the *Secondary Markets* proceeding (thereby eliminating the former fifteen year maximum EBS excess capacity lease term), we have negotiated and entered into a new *de facto* transfer lease that extends beyond fifteen years. During the course of our negotiations, we were presented with the option to lease for only fifteen years. However, our lessee offered to pay substantially more monthly for a longer lease, which is hardly surprising given that a long-term lease provides our lessee with greater certainty and renders our leased EBS spectrum more comparable to spectrum in other bands that our lessee could acquire in its own name. We took advantage of that opportunity. We believe that by leasing for longer than fifteen years, we have substantially advanced our educational mission. Our leasing agreement assures us access to sufficient spectrum to meet our anticipated needs during this time, while the larger financial payments we realized by entering into a long-term lease will reap significant educational benefits for our students. Thus, for us and for our lessee, the Commission's decision to permit leasing for greater than fifteen years yielded a "win-win" opportunity.

Certainly, not all EBS licensees will be in the same position, and the FCC should afford all EBS licensees the option of leasing for fifteen years or even less. However, it is the local EBS licensee that is best able to balance the costs and benefits of leasing excess capacity for more than fifteen years. Thus we urge the Commission, if it decides to depart from the *Secondary Markets* rules, to afford those EBS licensees and lessees who so desire the flexibility to lease EBS excess capacity for terms of up to thirty years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Travis Roundcount", written in a cursive style.

Travis Roundcount  
Superintendent